

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- March 23, 1966

Appeal No. 8657 Virgil Heistand, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made seconded and unanimously carried, with Mr. Arthur B. Hatton not participating, the following Order was entered at the meeting of the Board on March 30, 1966.

EFFECTIVE DATE OF ORDER -- May 5, 1966

ORDERED:

That the appeal for a variance from the minimum lot area and width requirements of the R-4 District to permit erection of 4 single family dwellings at 736-38-40 - 9th Street, SE., lots 45, 814, and 815, square 950, be granted.

From the record and the evidence adduced at the public hearing, the Board finds the following facts:

(1) Appellant's lots front on 9th Street and have the following dimensions: Lot 45 has a frontage of 32.8 feet, lot 814 has a frontage of 16 feet, and lot 815 has a frontage of 20 feet. Each of the lots has a depth of 100.10½ feet.

(2) Lot 45 contains 3295 square feet of land, lot 814 contains 1614 square feet of land, and lot 815 contains 2017 square feet of land.

(3) Appellant proposes to erect four single family dwellings with a 17.2 foot frontage for each structure. Each of the houses would have a depth of 45 feet with a patio and parking extending to the rear lot line. The rear of each lot abuts a 30-foot public alley.

(4) Section 3301.1 of the Zoning Regulations requires that each lot in the R-4 District shall be 1800 square feet in area and 18 feet in width.

(5) The average lot in the immediate neighborhood has a width of 16 feet and an area of approximately 1500 square feet.

(6) The Capitol Hill Restoration Society and the Capitol Hill Southeast Citizens Association have expressed their support for the granting of this appeal.

(7) There was no opposition to the granting of this appeal expressed at the public hearing.

OPINION:

We are of the opinion that appellant has proved a hardship within the meaning of the provisions of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and an undue hardship upon the owner.

OPINION cont'd

We further find that appellant's proposed lots would be consistent with existing lots in the immediate neighborhood and that the granting of this variance will not do violence to the Zoning Regulations and Map and will be consistent with the purpose and intent of the Zoning Regulations. The granting of this appeal will not have any adverse affect upon neighboring or adjacent property.